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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,227	12/28/2000	Darwin A. Engwer	3239P071	9335

8791 7590 04/01/2004

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EXAMINER

PHILPOTT, JUSTIN M

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 04/01/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/753,227

Applicant(s)

ENGWER ET AL.

Examiner

Justin M Philpott

Art Unit

2665

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

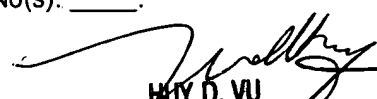
Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 2-30.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant introduces new arguments which are not persuasive.

Specifically, applicant argues (pages 9-10) that neither Beach nor Koutroubinas describe or suggest a special DTIM beacon that comprises a field having a traffic indicator bit as claimed.

However, as discussed in the previous office action, and repeated herein, Beach teaches broadcasting a delivery traffic indication message DTIM beacon (e.g., see col. 11, lines 13-22), the DTIM beacon having at least a traffic indicator bit that is set (e.g., DTIM field within beacon frames are set, see col. 11, lines 19-21) to denote data is to be transmitted after the DTIM beacon (i.e., access point has data queued for future transmission, see col. 11, lines 21-22). Further, applicant argues that the prior art does not teach that "when set, the traffic indicator bit indicates that the special DTIM beacon will be followed by a broadcast (or multicast) of a data frame" as in applicant's invention. However, as discussed in the previous office action, and repeated herein, Beach teaches broadcasting (e.g., see col. 11, lines 57-58) the data that comprises at least load balancing information (e.g., see col. 16, lines 42-46 regarding hoptick field; see also col. 1, lines 48-60 regarding hopping pattern, timing information, and associated mobile units). Still further, applicant argues that the combination of Beach and Koutroubinas suggests a polling process where management packets are transmitted as beacons, which is not the focus of applicant's invention. With respect to this argument, Beach in view of Koutroubinas teach the elements of applicant's pending claims as previously discussed. However, if applicant believes applicant's invention is different from the teachings of the cited prior art, applicant is encouraged to amend the claims, e.g., in the form of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), in order to more particularly claim applicant's invention by including elements/limitations which are not taught by the cited prior art.